THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.9450/1995

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G. Yadi Reddy ..Petitioner

V.

1.The Commissioner, Municipal Corporation of Hyderabad, Town Planning Section Head Office, Hyderabad and another

..Respondents.

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W.P.No.9450/1995

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ORAL ORDER

The petitioner claiming to be the owner of the land to an extent of 375 sq.yards having purchased the same from one Md. Yaqoob, donee who became the title holder of the land ad-measuring 500 sq.yards by way of oral gift by the original owners Mohd. Azam and Mohd. Wasif, under a registered sale deed dt. 3-5-1993 filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in issuing notice dt. 3-4-1995 proposing to cancel the building permit No.453/89 dt. 26-5-1994 as arbitrary and illegal, contending that he applied to the Municipal Corporation of Hyderabad seeking permission for construction of a building on the property bearing H.No.9-1-43/19 in

S.No.149, 141 Langer House, Hyderabad. Municipal Corporation granted permission vide permit No.453/89 dt. 26-5-1994 and when the petitioner proceeded to construct the same according to the sanctioned plan, Cha Cha Nehru Children's Association made a representation to the second respondent, Quli Qutub Shah Urban Development Authority claiming rights over an extent of 1000 sq.yards stating that they are in possession of the land and raised four rooms in the same area. Based upon the said representation, the first respondent through its notice dt. 3-4-1995 called upon the petitioner as to show cause why permission which was granted earlier should not be cancelled as the same was obtained by misrepresenting the facts and further called upon him to stop further construction. When the respondents intend to stall the construction, he filed OS No.862/1995 on the file of VI Assistant Judge, City Civil Court land obtained status quo order in IA No.438/95 and submitted his explanation dt. 24-4-1995 to the impugned show cause notice, and also filed the present writ petition.

Heard the learned counsel for the petitioner. None appears either on behalf of the Municipal Corporation of Hyderabad or Quli Qutub Shah Urban Development Authority. No counter-affidavit has been filed by the respondents.

It is well settled that writ petition against the show cause notice is not maintainable. But this court entertained the writ petition and stayed demolition pursuant to the show cause notice with a direction to the petitioner not to proceed with any further construction.

Having regard to the facts and circumstances of the case,

the writ petition is accordingly disposed of directing the first respondent to pass a speaking order considering the explanation dt. 24-4-1995 submitted by the petitioner to the impugned show cause notice and until passes such order, the respondents shall not demolish the structures, if any made by the petitioner, on the premise that he has no title over the property.

The writ petition is accordingly disposed of. No costs.

Kmr 21-3-2006